

BOY SCOUTS OF AMERICA

DATE January 5, 1987

FULL NAME ROBERT SMITH SOCIAL SECURITY NUMBER _____
(No initials if you can possibly get full name)
ADDRESS [REDACTED]
CITY Redwood City STATE CA ZIP CODE 94061
DATE OF BIRTH May 1966 (This is important and should be exact)
APPROXIMATE AGE 20 (To be used ONLY when date of birth is not known)
RELIGION _____ NATIONALITY _____
OCCUPATION Desk Clerk, Oswald Machine [REDACTED] So. San Fran., CA 94080
EDUCATION High School Graduate
WEIGHT 190 HEIGHT 6'1" RACE White
COLOR OF HAIR Dark brown COLOR OF EYES Brown
OUTSTANDING CHARACTERISTICS OR INTERESTS Makes fictitious stories
MARRIED OR SINGLE Single CHILDREN None
(Number, ages, and names, if possible)
NAME OF SPOUSE None

SCOUTING CONNECTIONS:

<u>UNIT #</u>	<u>CITY</u>	<u>STATE</u>	<u>POSITION</u>	<u>DATE REGISTERED</u>	<u>DATE RESIGNED</u>
T199	Redwood City	CA	SA	1985-86	6/86

SPECIAL RECOGNITION None

SUSPENDED OR DENIED REGISTRATION FOR FOLLOWING REASONS:

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE OR SPECULATION):

F. STARON

JAN 7 1987

AUG 3 1987

JOSEPH L. ANGLIM

Signed

SCOUT EXECUTIVE
Stephen L. PerryCouncil San Mateo County

RS-509

4/14/83-nah

CONF013251

NEWS ADVISORY

Date: October 17, 1987 - 4:10 PM

Signed: Frank Hebb
Frank Hebb (c/R)

Time: 3:30 p.m.

Ext: 2212

Source: Casey Douglas
MERCURY NEWS

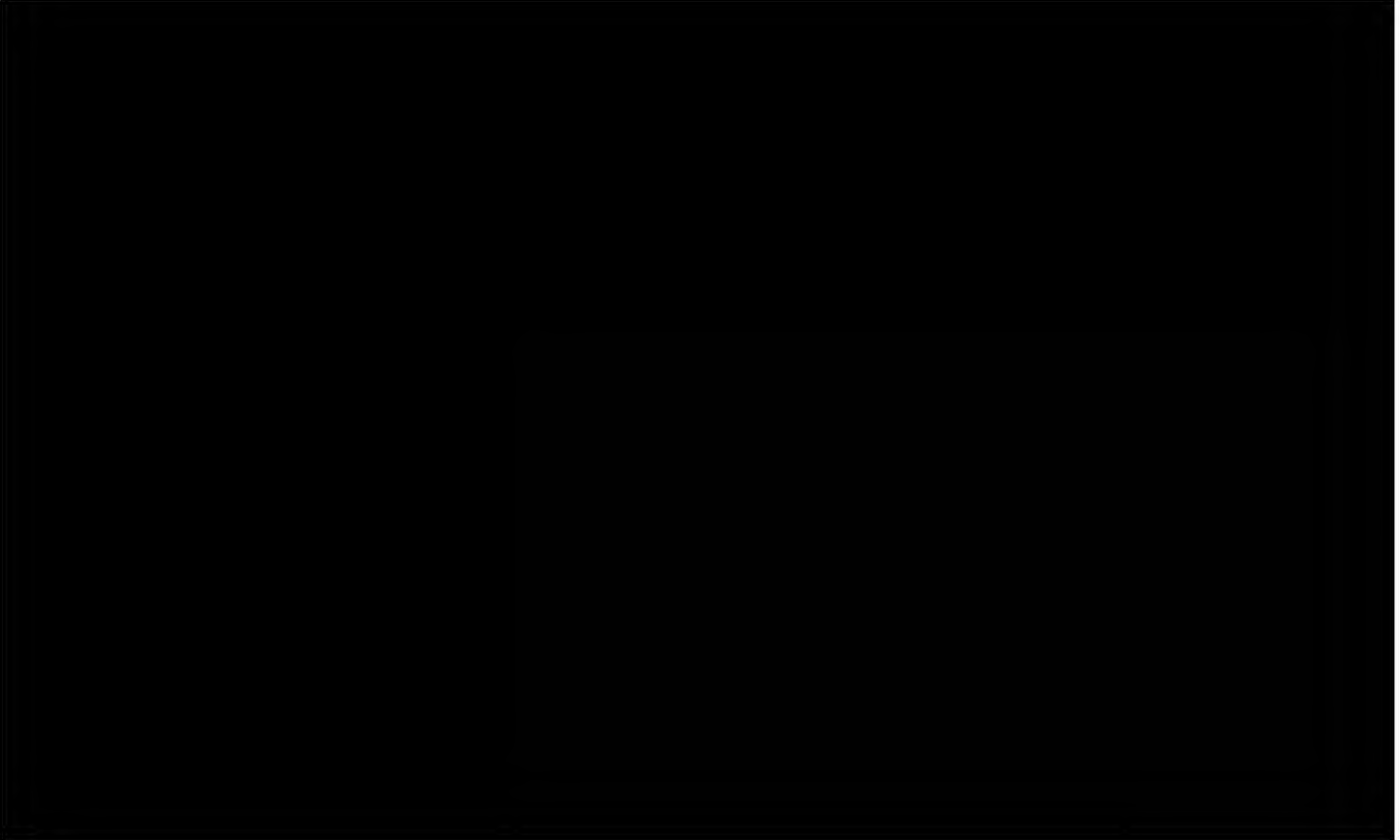
Address:

THE FACTS:

Reporter Casey Douglas, San Jose, Calif. called to inquire as to the BSA screening process for leader selection.

Mr. Douglas reported a Robert Smith had just been convicted on 8 counts of child sexual molestation. He also indicated one of the mothers is threatening a suit on the basis that the BSA has an inadequate screening process.

ACTION OR RECOMMENDATIONS:



bc: T. Accas
P. Ernst
J. Anglin

WATS CALL FORM

CALL BACK REQUESTED _____

COUNCIL #

PHONE NO:

CALLER: FRANK HEBB

POSITION:

TYPE OF PROBLEM

REGISTRATION _____

VETERANS _____

EXPLORING _____

SCOUTING _____

BOYS' LIFE _____

UNIT #

DIST. #

EXP. DATE

TRANSMITTAL #

FILM #

CALL FROM REPORTER

SAN JOSE

ROBERT SMITH

CONVICTED - SEXUAL ABUSE

↓

WANTED TO KNOW OUR

JUDGING PROCESS FOR LHS

NAME Plunk

DATE 10-16-87

TIME _____

R/S-433

3/13/86-clf-567r

CONF013254

September 2, 1987

Mr. Stephen L. Perry
Scout Executive
San Mateo County Council, No. 20

PERSONAL AND CONFIDENTIAL

SUBJECT: Robert Edward Smith

Dear Stephen:

Thank you for the detailed information sent concerning the above Scouter. This case has been reviewed with our attorney and is now on our permanent Confidential File.

Sincerely,

Paul Ernst, Director
Registration Service

PE/eak

cc: Western Region

READY TO FILE
SEP 23 1987
ERIN ORILEY

CONF013255

January 8, 1987

Mr. Stephen L. Perry
Scout Executive
San Mateo County Council, No. 20

PERSONAL & CONFIDENTIAL

SUBJECT: Robert Edward Smith
50199 - CC7857

Dear Stephen:

Thank you very much for sending us the Confidential Record Sheet. This will be very helpful to us in identifying Mr. Smith should he try to register in some other location.

We would still like to have the outcome of the legal action against Mr. Smith. Was he ever put on trial and a final disposition reached? It will be most helpful to us to know the outcome, since a person charged with a crime does not necessarily make that person guilty. We, therefore, need the outcome for our file in case neither of us are in our present jobs when a question would arise.

Sincerely,

*Deleted from Registration files
1-8-87*

Paul Ernst, Director
Registration, Subscription &
Statistical Service

PE/cra

cc: Western Region

READY FOR FILE

JAN 8 1987

SHIRLEY MEYER

CONF013256

December 15, 1986

Mr. Stephen L. Perry
Scout Executive
San Mateo County Council, No. 20

PERSONAL & CONFIDENTIAL

SUBJECT: Robert Edward Smith

Dear Stephen:

In September, we wrote to you concerning the above-named individual. At that time, we asked that a Confidential Record Sheet be completed so that we could identify Mr. Smith should he try to register in some other location. I am enclosing another sheet for your use in case the first one became misplaced. Please fill it out to the best of your ability so we will be able to identify Mr. Smith should a registration come from anywhere in the country.

I would also like to know if the legal action has been completed, since I understand that it was to occur in late August or early September. If we now have a final outcome of the legal action, we would like to know the sentencing if a verdict of guilty was issued.

Thanks for your help in protecting the youth of America.

Sincerely,

Paul Ernst, Director
Registration, Subscription &
Statistical Service

PE/cre

Enclosure

cc: Western Region

READY FOR FILE

DEC 15 1986

SHIRLEY MEYER

CONF013257

September 15, 1986

Mr. Stephen L. Perry
Scout Executive
San Mateo County Council, No. 20

PERSONAL & CONFIDENTIAL

SUBJECT: Robert Edward Smith

Dear Stephen:

You recently sent some material to Mr. Harold Fieszel concerning the above-named individual. We are interested in this because we feel that this person should be placed on our confidential file. No doubt you would want to refuse registration should an attempt be made at a later time.

We would like to know the outcome of the legal action which took place. If this has now been completed, please send us that information so that we may complete our file.

I am also enclosing a Confidential Record Sheet which I would like to have completed. This will give us all the information necessary for identifying Mr. Smith should he move to another part of the country and try to register.

Let us know if we may help you in any way.

Sincerely,

Paul Ernst, Director
Registration, Subscription &
Statistical Service

PE/cre

Enclosure

cc: Western Region

READY FOR FILE

SEP 12 1986

SHIRLEY MEYER

CONF013258



San Mateo County Council
Boy Scouts of America

Post Office Box 5005
San Mateo, California 94402-0005

September 5, 1985

Harold C. Fieszel, Director
Insurance & Risk Management
Boy Scouts of America
1325 Walnut Hill Lane
Irving, Texas 75038-3096

Dear Harold:

I have enclosed a copy of a letter from Parker S. Kelly, along with a packet which was filed by James P. Fox, District Attorney for the County of San Mateo, State of California.

Robert Edward Smith, the defendant, is registered as assistant Scoutmaster of Troop 199, Sequoia District of San Mateo County Council.

If I can be of assistance in any way, please feel free to contact me.

Sincerely,

Stephen L. Perry
Scout Executive

SLP:dl

cc: Richard Harrington, Regional Director
David Park, National Attorney



United Way

CONF013259

JOHN A. COST & PARKER S. KELLY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

JOHN A. COST
PARKER S. KELLY
JEFFREY S. COST

August 29, 1986

SAN MATEO, CALIFORNIA

94401

SUBJECT:

RECEIVED

SEP 2 1986

SAN MATEO COUNTY COURSE
BY ORDER OF JUDGE

The Boy Scouts of America

San Mateo, CA

Gentlemen:

I represent the mother of a young man who had an unfortunate incident with his scout leader this summer, in Redwood City.

As a consequence, the boy has suffered emotionally. We have some indication that other people within the Boy Scouts knew, or should have known, that the scout leader was unsuitable for the program.

Because of the sensitive nature of the incident, I have not included the names and particulars of the problem, but ask that someone from your organization call me with a view to discussing them or, in the alternative, I suggest that you refer this letter to your insurance carrier so that a representative calls me.

Thank you.

Yours very truly,

Parker S. Kelly

PARKER S. KELLY

PSK:nk

cc: To client

CONF013260

1 JAMES P. FOX, DISTRICT ATTORNEY
2 County of San Mateo, State of California
3 Hall of Justice and Records
4 Redwood City, California 94063
5 [REDACTED] Diaz, Deputy
6 Telephone [REDACTED]
7 Attorney for Plaintiff

8 Arr: August 22, 1986

(ENDORSED)
FILED
AUG 7 1986

MARVIN CHURCH, County Clerk
By VIGILIO S. CASTRO
DEPUTY CLERK

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN MATEO

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)
12)
13 Plaintiff,)

C-16475

14 vs.)

15 ROBERT EDWARD SMITH)

Defendant.)

INFORMATION

16 THE DISTRICT ATTORNEY OF THE COUNTY OF SAN MATEO, hereby
17 accuses ROBERT EDWARD SMITH of the crimes of felony and
18 misdemeanor, to-wit:

19 COUNT I. - VIOLATION OF SECTION 288(a), PENAL CODE, CALIFORNIA:

20 That the said defendant on or about May 30, 1986, at and in
21 the County of San Mateo, State of California, did wilfully,
22 unlawfully and feloniously, lewdly commit a lewd and lascivious
23 act upon and with the body and certain parts and members thereof
24 of [REDACTED] a child under the age of fourteen years,
25 with the intent of arousing, appealing to, and gratifying the
26 lust, passions, and sexual desires of the said defendant and the
27 said child.

28 ///

1 SPECIAL ALLEGATION - 1203.066(a)(9), Penal Code, California

2 It is further alleged that at the time of the commission of
3 the above offense, said defendant, ROBERT EDWARD SMITH, occupied
4 a position of special trust, to wit, assistant scout master, and
5 committed an act of substantial sexual conduct within the meaning
6 of Penal Code section 1203.066(a)(9).


7 COUNT II - VIOLATION OF SECTION 136.1(a), PENAL CODE, CALIFORNIA:

8 That the said defendant on or about May 30, 1986, at and in
9 the County of San Mateo, State of California, did wilfully and
10 unlawfully prevent and dissuade and attempt to prevent and
11 dissuade [REDACTED] a victim and a witness of a crime,
12 from attending and giving testimony at a trial, proceeding, and
13 inquiry authorized by law.

14 DATED: July 31, 1986

15 JAMES P. FOX, District Attorney

16
17 By


Marta S. Diaz, Deputy

18
19 MSD/clh
20
21
22
23
24
25
26
27
28

- ARREST REPORT -

BOOKING NO 86-09218-0

12 HAIR LENGTH	13 HAIR STYLE	14 FACIAL HAIR	15 COMPLEXION	16 GENERAL APPEARANCE	17 BUILD
1 <input type="checkbox"/> UNKNOWN	1 <input type="checkbox"/> SLEAZEBAG	1 <input type="checkbox"/> UNKNOWN	1 <input type="checkbox"/> UNKNOWN	1 <input type="checkbox"/> UNKNOWN	1 <input type="checkbox"/> UNKNOWN
2 <input type="checkbox"/> SLEAZEBAG	2 <input type="checkbox"/> SLEAZEBAG	2 <input type="checkbox"/> CLEAN SHAVEN	2 <input type="checkbox"/> FAIR	2 <input type="checkbox"/> CONSERVATIVE	2 <input type="checkbox"/> AGENT
3 <input type="checkbox"/> SLEAZEBAG	3 <input type="checkbox"/> SLEAZEBAG	3 <input type="checkbox"/> FULL BEARD	3 <input type="checkbox"/> DARK	3 <input type="checkbox"/> DUTY	3 <input type="checkbox"/> APOLOGETIC
4 <input type="checkbox"/> LONG	4 <input type="checkbox"/> SLEAZEBAG	4 <input type="checkbox"/> FULL BEARD	4 <input type="checkbox"/> FAIR	4 <input type="checkbox"/> DUTY	4 <input type="checkbox"/> CALM
5 <input type="checkbox"/> SLEAZEBAG	5 <input type="checkbox"/> SLEAZEBAG	5 <input type="checkbox"/> CLEAN	5 <input type="checkbox"/> LIGHT	5 <input type="checkbox"/> FLAKY	5 <input checked="" type="checkbox"/> DISORGANIZED
6 <input type="checkbox"/> SHORT	6 <input type="checkbox"/> SLEAZEBAG	6 <input type="checkbox"/> LOWER LIP	6 <input type="checkbox"/> DARK	6 <input type="checkbox"/> GOOD LOOKING	6 <input type="checkbox"/> UNUSUAL
7 <input type="checkbox"/> COARSE	7 <input type="checkbox"/> SLEAZEBAG	7 <input type="checkbox"/> MUSTACHE	7 <input type="checkbox"/> FAIR	7 <input type="checkbox"/> UNUSUAL	7 <input type="checkbox"/> WEIRD
8 <input type="checkbox"/> FINE	8 <input type="checkbox"/> SLEAZEBAG	8 <input type="checkbox"/> SLEAZEBAG	8 <input type="checkbox"/> DARK	8 <input type="checkbox"/> UNUSUAL	8 <input type="checkbox"/> POLITE
9 <input type="checkbox"/> THICK	9 <input type="checkbox"/> SLEAZEBAG	9 <input type="checkbox"/> SLEAZEBAG	9 <input type="checkbox"/> FAIR	9 <input type="checkbox"/> UNUSUAL	9 <input type="checkbox"/> PROFESSIONAL
10 <input type="checkbox"/> UNKNOWN	10 <input type="checkbox"/> SLEAZEBAG	10 <input type="checkbox"/> SLEAZEBAG	10 <input type="checkbox"/> DARK	10 <input type="checkbox"/> UNUSUAL	10 <input type="checkbox"/> TYPICAL
11 <input type="checkbox"/> WHISKY	11 <input type="checkbox"/> SLEAZEBAG	11 <input type="checkbox"/> SLEAZEBAG	11 <input type="checkbox"/> FAIR	11 <input type="checkbox"/> UNUSUAL	11 <input type="checkbox"/> UNUSUAL
12 <input type="checkbox"/> OTHER	12 <input type="checkbox"/> SLEAZEBAG	12 <input type="checkbox"/> SLEAZEBAG	12 <input type="checkbox"/> OTHER	12 <input type="checkbox"/> OTHER	12 <input type="checkbox"/> OTHER

CITATION NO.

ADMONITION
OF
RIGHTSYES ☐ NO ☐

INITIAL

DATE 5/30/86 TIME 1940 LOCATION PCDDNAME SMITH, ROBERT EDWARD ALIASADDRESS [REDACTED] NO. STREET CITY STATE PHONE [REDACTED]SEX M AGE 20 DATE OF BIRTH 5/17/66 RACE CAUCASIAN BIRTHPLACE SMHT. 6-2 WT. 220 HAIR BRN EYES GRN OCCUPATION PARTS DELIVERYEMPLOYER OSWALD MACHINE EMP. ADDRESS [REDACTED] PHONE [REDACTED]SCARS OR MARKS SURGICAL SCARS - AT KNEE CONDITION/SOBRIETY SSF SOBER, COOPERATIVEREFERENCE [REDACTED] RELATION MOTHER PHONE [REDACTED]ADDRESS [REDACTED] NO. STREET CITY STATE

VEHICLE _____ YR. _____ LIC. NO. _____ COLOR _____ DISPOSITION _____

CHARGE 288 (a) PC OFFICER DRUMMOND 12H☐ CHECK IF ENROUTE BOOKING

AGENCY

MISDEMEANOR ARREST NOT CITED (REF. 85.3.6 (1) P.C.)

<input type="checkbox"/> 1.11 - TOO INTOXICATED	<input type="checkbox"/> 1.51 - NO IDENTIFICATION	1.91 - OTHER (EXPLAIN) _____
<input type="checkbox"/> 1.21 - NEEDS MEDICAL CARE	<input type="checkbox"/> 1.61 - PROSECUTION JEOPARDIZED	_____
<input type="checkbox"/> 1.31 - 40302 VC ARREST	<input type="checkbox"/> 1.71 - LIKELIHOOD OF RECURRENCE	_____
<input type="checkbox"/> 1.41 - WARRANT ARREST	<input type="checkbox"/> 1.81 - REFUSED TO SIGN CITATION	_____

ARREST DETAILS _____

REFER CR 86-09218

EVIDENCE HELD _____ TAG NO. _____

COMPLAINANT _____ ADDRESS _____

PHOTO YES ☐ NO ☐

FINGERPRINTS

YES ☐ NO ☐

WARRANT UPDATED

YES ☐ NO ☐

(038)

MASTER COPY

8/2/86

CONF013263

CASE # 86-09218

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED AT NO COST TO YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

WAIVER

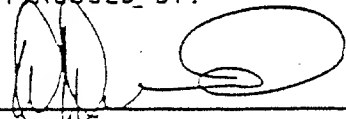
1. DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU ?

YES PE8 NO

2. HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

YES PE8 NO

WITNESSED BY:

 124

SIGNED Robert E. Smith

DATE 5-30-86 TIME 7:16 pm

CR-1 REDWOOD CITY POLICE DEPARTMENT

PAGE 1 OF 1

7 CODE SECTION 2844 DC		3 TITLE/CLASSIFICATION LEWD CONDUCT (CHILD)		4 DATE & TIME OCCURRED - DAY 5/24/86 SAT 2100		5 DATE & TIME RE 5/30/86 1500	
6 LOCATION OF OCCURRENCE [REDACTED]						7 BEAT 8	
9 NAME (LAST, FIRST, MIDDLE, INITIAL, BUSINESS) [REDACTED]							
10 CODES: V=VICTIM O=OWNER W=WITNESS AC=ARRESTED CITIZEN R=RESPONSIBLE DO=DISCOVERED CRIME F=FINDER P=POSSESSOR RP=REPORTING PERSON							
18 CODE W		19 NAME (LAST, FIRST, MIDDLE) [REDACTED]		20 R 21 S WM		22 D.O.B. [REDACTED]	
23 ADDRESS [REDACTED]		24 RES TELEPHONE BUS [REDACTED]					
25 VICTIM'S ACTIVITY STAYING OVERNIGHT W/ SCOUTMASTER							
26 VICTIM VIOLENT CRIME NOTIFICATION H		27 ADDITIONAL PERSONS LISTED? 2 NO		28 VICTIM'S VEHICLE, MAKE N/A		29 LICENSE NO. (STATE)	

MO/CRIME ANALYSIS	30 Non-Residential TYPE 1 Convenience 2 Fast Food 3 Restaurant/Bar 4 Drug/Medical 5 Gas Station 6 Retail Store 7 School 8 Financial Inst. 9 Vehicle 10 Public Building 11 Industrial 12 Other		32 Residential 1 Sgl Family Dwelling 2 Apt/Condo 3 Duplex/Town 4 Motel/Motel 5 Other		33 Target(s) 1 Basement 2 Bedroom 3 Den/Family Rm. 4 Garage/Carport 5 Living Room 6 Storage Area 7 Kitchen 8 Person 9 Other		34 METHOD OF ENTRY 1 Attempt Only 2 No Force 3 Key/Slip 4 Bodily Force 5 Saw/Drill/Burn 6 Hid in Building 7 Channel Lock 8 Pipe Wrench 9 Tie Iron 10 Break/Rock 11 Unk. Pry Bar 12 Bolt Cutters/Pliers 13 Punch 14 Window Smash 15 Tape/Wire 16 Screwdriver 17 Other		35 POINT OF ENTRY 1 Front 2 Rear 3 Unknown 4 Door 5 Window 6 Sliding Glass 7 Duct/Vent 8 Att. Building 9 Roof/Floor/Skylight 10 Wall 11 Garage 12 Basement 13 Trunk/Hood 14 Other 15 Exit		37 SUSPECT ACTIONS 1 Indication Mtd. Suspects 2 Vandalized 3 Ransacked 4 Hunt 5 Smoked on Prem. 6 Ate/Drank on Prem. 7 Used Matches for Light 8 Alarm Disabled/Bypassed 9 Knew Location of Hidden Cash 10 Selective in Loot 11 Took TV/Stereo 12 Took Money 13 Took Jewelry 14 Used Vic. Tools 15 Vehicle Needed to Remove Property 16 Unoccupied Bldg. 17 Occupied Bldg. 18 Prepares Exit 19 Inflicted Injury 20 Forced Victim to Move 21 Used Lookout/Driver		22 Threatened Retaliation 23 Took Victim's Ven. 24 Disabled Phone 25 Suspect Armed 26 Shut Off Power 27 Bound/Gagged Victim 28 Used Demand Note 29 Placed Property in Sack/Pocket 30 Ripped/Cut Clothing 31 Used Victim's Name 32 Molested Victim 33 Unusual Odors 34 Masturbated 35 Struck Victim 36 Drabbed Fully 37 Drabbed Partly 38 Bindtied Victim 39 Made Threats 40 HBD 41 UID 42 Demanded \$ 43 Fired Weapon 44 Stashed Loot		45 Snatched Purse 46 Hideout Technique 47 Impersonated Off. 48 Other	
	31 Target(s) 1 Cash Reg./Drawer 2 Owner/Employee 3 Safe/Box 4 Vending Machine 5 Display Items 6 Storage Area 7 Customer 8 Other		36 SECURITY USED 1 None 2 Bars/Grate 3 Ext. Lights 4 Camera 5 Dog 6 Int. Lights 7 Neighbor Watch 8 Operation I.D. 9 Locked 10 Alarm 11 Security Fence 12 Guard 13 Other		46 INVESTIGATION 1 Dusted for Latents 2 Tool Marks Noted 3 Vehicle/Shoe Tracks 4 Photo/Impression Ta. 5 Some Photographed 6 Photos of Victim 7 Diagram of Scene 8 Neighbors Checked 9 Area Checked 10 Witnesses Contacted 11 Victim Contacted											
	39 ITEM CODE-NO		40 ARTICLE NAME		41 QTY		42 IDENTIFICATION NUMBERS		43 BRAND, MAKE, OR MANUFACTURER		44 MODEL NAME AND MODEL NUMBERS		45 MISCELLANEOUS DESCRIPTION		46 VALUE	
	-		N/A													

PROPERTY	BIKE ONLY 47 BOYS GIRLS		48 MAKE/MODEL		49 FRAME NO.		50 LICENSE NO.		57 ADDITIONAL PROPERTY LISTED YES NO		58 RECOVERED \$	
	51 AGE		52 No. of Gears		53 Wheel Size in.		54 Frame Color		55 Trim Color		56 MISC.	
	60 Was a suspect arrested?		61 Can a suspect be named?		62 Can a suspect be located?		63 Can a suspect be described?		64 Was there a witness to the crime?		65 Is there a significant M.O. present?	
	66 Was stolen property traceable?		67 Is there significant physical evidence?		68 Are all elements of crime present?		69 Was major injury or rape involved?		70 Can suspect be identified?		71 Can suspect vehicle be identified?	

ADMIN.	73 REPORTING OFFICER RECOMMENDS OFFICE REVIEW OPER F/U INVEST. F/U		74 SUPERVISOR REVIEW VLM 05:30 PM		75 CONCUR SUSP. NO OPER F/U INVEST F/U		CASE SCREENING SUPV		DATE		80 COPIES Press Invest Other	
	74 OFFICER(S) REPORTING Drummond		LD NO 124		76 Rept Writing Time		77 A.P.S. Entry Made		78 COPIES TO		81 CLEAR	
	76 Was a suspect arrested?		77 Can a suspect be named?		78 Can a suspect be located?		79 Can a suspect be described?		80 Was there a witness to the crime?		81 Is there a significant M.O. present?	
	82 Was stolen property traceable?		83 Is there significant physical evidence?		84 Are all elements of crime present?		85 Was major injury or rape involved?		86 Can suspect be identified?		87 Can suspect vehicle be identified?	

1. SUSPECT #1 (LAST, FIRST, MIDDLE) SMITH ROBERT EDWARD		83 NICKNAME (AKA) WM		84 R 5/17/66	85 S 1.2	86 DOB 770	87 HT BA	88 WT 160	89 ARRESTED NO		
90 SUSPECT'S ADDRESS [REDACTED]		93 CLOTHING DESCRIPTION - PHONE # [REDACTED]				94 AC NO [REDACTED]		95 ADV. RIS. / T. [REDACTED]			
96 SUSPECT #2 (LAST, FIRST, MIDDLE) [REDACTED]		97 NICKNAME (AKA) [REDACTED]		98 R [REDACTED]	99 S [REDACTED]	100 DOB [REDACTED]	101 HT [REDACTED]	102 WT [REDACTED]	103 HAIR [REDACTED]	104 EYES [REDACTED]	105 ARRESTED <input type="checkbox"/> YES <input type="checkbox"/> NO
106 SUSPECT'S ADDRESS [REDACTED]				107 CLOTHING DESCRIPTION - PHONE # [REDACTED]				108 AC NO [REDACTED]		109 ADV. RIS. / T. [REDACTED]	

SUSPECT(S)

110 HAIR LGTH/TYPER		111 HAIR STYLE		112 FACIAL HAIR		113 COMPLEXION		114 GENERAL APPEARANCE		115 Demeanor		116 SPEECH		117 WEAPON	
1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown	1	<input type="checkbox"/> Unknown
2	<input type="checkbox"/> Bald	2	<input type="checkbox"/> Afro/Nat	2	<input type="checkbox"/> Clean Shave	2	<input type="checkbox"/> Acne	2	<input type="checkbox"/> Conservative	2	<input type="checkbox"/> Angry	2	<input type="checkbox"/> Accent	2	<input type="checkbox"/> Handgun
3	<input type="checkbox"/> Curly	3	<input type="checkbox"/> Braided	3	<input type="checkbox"/> Full Beard	3	<input type="checkbox"/> Dark	3	<input type="checkbox"/> Dirty	3	<input type="checkbox"/> Apologetic	3	<input type="checkbox"/> Laid	3	<input type="checkbox"/> Shotgun
4	<input type="checkbox"/> Long	4	<input type="checkbox"/> Bushy	4	<input type="checkbox"/> Fu Manchu	4	<input type="checkbox"/> Freckled	4	<input type="checkbox"/> Dislike	4	<input type="checkbox"/> Calm	4	<input type="checkbox"/> Mumbles	4	<input type="checkbox"/> Rifle
5	<input type="checkbox"/> Shoulder	5	<input type="checkbox"/> Greasy	5	<input type="checkbox"/> Goatee	5	<input type="checkbox"/> Light	5	<input type="checkbox"/> Fleary	5	<input type="checkbox"/> Disorganized	5	<input type="checkbox"/> Overtone	5	<input type="checkbox"/> Sem Gun
6	<input type="checkbox"/> Short	6	<input type="checkbox"/> Military	6	<input type="checkbox"/> Lower Lip	6	<input type="checkbox"/> Medium	6	<input type="checkbox"/> Good-Looking	6	<input type="checkbox"/> Irrational	6	<input type="checkbox"/> Quiet	6	<input type="checkbox"/> Toy Gun
7	<input type="checkbox"/> Coarse	7	<input type="checkbox"/> Ponytail	7	<input type="checkbox"/> Mustache	7	<input type="checkbox"/> Pale	7	<input type="checkbox"/> Military	7	<input type="checkbox"/> Nervous	7	<input type="checkbox"/> Rapid	7	<input type="checkbox"/> Knife
8	<input type="checkbox"/> Fine	8	<input type="checkbox"/> Processed	8	<input type="checkbox"/> None/Full	8	<input type="checkbox"/> Pocked	8	<input type="checkbox"/> Unusual	8	<input type="checkbox"/> Polite	8	<input type="checkbox"/> Slow	8	<input type="checkbox"/> On Cut
9	<input type="checkbox"/> Thick	9	<input type="checkbox"/> Straight	9	<input type="checkbox"/> Sideburns	9	<input type="checkbox"/> Ruddy	9	<input type="checkbox"/> Unusual Odor	9	<input type="checkbox"/> Professional	9	<input type="checkbox"/> Stutters	9	<input type="checkbox"/> Hands/Feet
10	<input type="checkbox"/> Thinning	10	<input type="checkbox"/> Wavy/Curly	10	<input type="checkbox"/> Unshaven	10	<input type="checkbox"/> Sallow	10	<input type="checkbox"/> Well Groomed	10	<input type="checkbox"/> Snub	10	<input type="checkbox"/> Talkative	10	<input type="checkbox"/> Club
11	<input type="checkbox"/> Wavy	11	<input type="checkbox"/> Wig	11	<input type="checkbox"/> Van Dyke	11	<input type="checkbox"/> Tanned	11	<input type="checkbox"/> Casual	11	<input type="checkbox"/> Violent	11	<input type="checkbox"/> Non-English	11	<input type="checkbox"/> Auto
12	<input type="checkbox"/> Other	12	<input type="checkbox"/> Other	12	<input type="checkbox"/> Other	12	<input type="checkbox"/> Other	12	<input type="checkbox"/> Other	12	<input type="checkbox"/> Intoxicated	12	<input type="checkbox"/> Sounding	12	<input type="checkbox"/> Other

118 FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, WEAPONS, ETC.)

120 VEHICLE MAKE MODEL COLOR/COLOR BODY STYLE				121 LICENSE NO. (STATE)
122 Additional Vehicle Identifiers (Damage, Chrome wheels, Etc.)				124 DISPOSITION OF EVIDENCE/TAG NOS

123 Evidence Obtained		<input type="checkbox"/> 1 Fingerprints		<input type="checkbox"/> 4 Vehicle		<input type="checkbox"/> 7 Stains	
<input type="checkbox"/> 0 None		<input type="checkbox"/> 2 Other Prints		<input type="checkbox"/> 5 Photos		<input type="checkbox"/> 8 Blood/Semen	
		<input type="checkbox"/> 3 Weapon/Tools		<input type="checkbox"/> 6 Hair		<input type="checkbox"/> 9 Other	

125	1. Is domestic violence indicated?	Yes	No	5. Knife/cutting tool?	Yes	No
	2. Is this a bar-related incident?	Yes	No	6. Other weapon?	Yes	No
	3. Indication of a weapon?	Yes	No	7. Personal weapon (hands, feet)?	Yes	No
	4. Firearm?	Yes	No	8. Release notification requested?	Yes	No

NARRATIVE

126 NARRATIVE:

SUMMARY: [REDACTED] WAS STANDING THE NIGHT AT THE HOME OF ASSISTANT BOY SCOUT MASTER ROBERT SMITH ALONG W TWO OTHER MEMBERS OF TROOP #199. THE TWO OTHER BOYS, [REDACTED] AND [REDACTED], BUT THEIR SLEEPING BAGS ON THE FLOOR WHILE [REDACTED], AT SMITH'S DIRECTION, PUT HIS SLEEPING BAG ON SMITH'S BED. [REDACTED] WAS LAYING DOWN ON THE OUTSIDE OF HIS BAG WEARING A T-SHIRT AND A PAIR OF SHORTS. SMITH LEANED OVER AND STARTED RUBBING [REDACTED] FEET FROM OUTSIDE THE CLOTHING. [REDACTED] YELLED AT SMITH TO STOP SEVERAL TIMES, BUT IT WASN'T UNTIL [REDACTED] AWAKE AND LOOKED UP TO SEE WHAT WAS GOING ON THAT SMITH FINALLY STOPPED.

CR-2 REDWOOD CITY POLICE DEPARTMENT

PG 3 OF 8

126 CODE VIOLATION 288 PC	127 TIME 5/24/86	DATE 5/24/86	128 ORIGINAL INVESTIGATING OFFICER DRUMMOND 124	129 ORIGINAL SUPPLEMENT
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STATEMENT: [REDACTED]

[REDACTED] AND THE REST OF HIS TROOP HAD SPENT THE DAY AT GOLDEN GATE CEMETARY PUTTING FLAGS ON GRAVES FOR MEMORIAL DAY SERVICES. THAT EVENING, THEY WENT TO THE HOME OF SCOUTMASTER DON WETLAND ([REDACTED]) FOR DINNER AND SWIMMING SINCE THE TROOP HAD A RAFTING TRIP EARLY THE NEXT MORNING, SOME OF THE BOYS STAYED THE NIGHT W/ WETLAND'S WIFE.

[REDACTED] WENT W/ ASST. SCOUTMASTER SMITH TO SMITH'S HOME. AFTER THE EVENTS DESCRIBED IN THE SUMMARY OCCURRED, [REDACTED] PUT HIS SLEEPING BAG ON THE FLOOR AND CRIBED HIMSELF TO SLEEP.

THE NEXT MORNING, SUNDAY 5/25, THE BOYS AND SMITH REJOINED THE TROOP AND PROCEEDED W/ THE RAFTING TRIP W/OUT FURTHER INCIDENT. WHILE ON THE DRIVE BACK HOME, [REDACTED] TOLD [REDACTED] TO TELL HIS MOTHER WHAT HAD HAPPENED OR HE ([REDACTED]) WOULD TELL HIS OWN PARENTS.

MONDAY EVENING (5/26) ABOUT 1730 [REDACTED] KNEW [REDACTED] EVIDENTLY [REDACTED] HAD TOLD SOME OTHER BOYS ABOUT THE INCIDENT AND SMITH WAS UPSET ABOUT THE LACK OF SECRECY. SMITH TOLD [REDACTED] TO TELL THE OTHER BOYS IT WAS ALL A JOKE. SMITH ADDED HE WOULDN'T ALLOW [REDACTED]

130 OFFICER(S) REPORTING DRUMMOND 124	ID. NO.	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV.	DATE	133 Case Pres. Inve. Ope.
134 REPT. WRITING TIME		135 COPIES TO:		136 CL	

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CR-2 REDWOOD CITY POLICE DEPARTMENT

PG 4 OF 4

126 CODE VIOLATION 288 PC	127 TIME 5/24/46	DATE 5/24/46	128 ORIGINAL INVESTIGATING OFFICER DRUMMOND 124	129 ORIGINAL SUPPLEMENT
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TO RIDE IN HIS CAR AGAIN (A REFERENCE TO THE TRANSPORTATION PROVIDED TO SCOUTING TRIPS.)

TUESDAY EVENING (5/27) ABOUT 1730 HRS. SMITH CAME OVER TO [REDACTED] HOUSE WANTING TO TALK TO [REDACTED] ALONE. THEY WENT INTO [REDACTED] BEDROOM.

SMITH GAVE [REDACTED] A BILL FOR \$1200 - WORTH OF REPAIRS TO SMITH'S POOL FILTRATION SYSTEM. ALLEGEDLY DAMAGED BY RUBBER-BANDS TIED INTO THE POOL ON THE NIGHT OF 5/24 BY [REDACTED] SMITH TOLD [REDACTED] TO EITHER PAY THE BILL OR TELL THE OTHER BOYS THE INCIDENT WAS ALL A JOKE.

AFTER THIS FINAL CONVERSATION W/ SMITH, [REDACTED] FINALLY TOLD HIS MOTHER, [REDACTED] WHAT HAPPENED.

STATEMENT: [REDACTED] (MOTHER) SAID SHE HAS NOTICED MARKED BEHAVIORAL CHANGES IN HER SON THIS PAST WEEK. [REDACTED] IS NORMALLY AN ACTIVE, TALKATIVE CHILD, BUT HAS BECOME QUITE QUIET AND RECLUSED SINCE SATURDAY (5/24).

WEDNESDAY EVENING (5/28) ABOUT 2200 HRS. [REDACTED] RECEIVED A PHONE CALL FROM SMITH. SMITH ASKED IF [REDACTED] HAD ANY PROBLEMS. [REDACTED] INQUIRED WHAT HE MEANT. SMITH SAID SOME OF THE PARENT CHAPERONES

130 OFFICER(S) REPORTING DRUMMOND 124	ID. NO.	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV.	DATE	133 COPIES <input type="checkbox"/> Pre. <input type="checkbox"/> Inve <input type="checkbox"/> Ooe
		134 REPT. WRITING TIME	135 COPIES TO		136 CL

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PG 5 OF 10

126 CODE VIOLATION 288 PC	127 TIME / DATE 5/24/86	128 ORIGINAL INVESTIGATING OFFICER DRUMMOND 124	129 ORIGINAL SUPPLEMENT []
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NAB COMPLAINED ABOUT [REDACTED] "ACTING UP" AND "GETTING OUT OF LINE." AFTER THE PHONE CALL, [REDACTED] CALLED SCOUTMASTER WETLAND WHO TOLD HER HE HAD SOME SUSPICIONS ABOUT SMITH'S PERSONALITY, BUT DIDN'T ELABORATE.

STATEMENT: [REDACTED] SAID HE WAS ASLEEP ON THE FLOOR WHEN [REDACTED] WOKE HIM. [REDACTED] TOLD HIM TO LOOK @ [REDACTED] WHO WAS CRYING. [REDACTED] SAW [REDACTED] ON THE BED CURLED UP AGAINST THE WALL, BUT COULDN'T TELL IF HE WAS CRYING. SMITH WAS STRETCHED OUT ON THE BED BESIDE [REDACTED] - [REDACTED] ROLLED BACK OVER AND WENT TO SLEEP.

STATEMENT: [REDACTED] - UNABLE TO LOCATE.

STATEMENT: DON WETLAND SAID A NUMBER OF THE BOYS WERE SPENDING THE NIGHT W/ HIM, BUT HE HAD NO IDEA [REDACTED] AND [REDACTED] WERE W/ SMITH. SMITH HAS NEVER HAD BOYS STAY W/ HIM BEFORE. WETLAND SAID HE WAS LOOKING INTO [REDACTED] COMPLAINT AND HAD HIS OWN QUESTIONS ABOUT SMITH'S PERSONALITY, BUT HAS YET COME TO ANY CONCLUSIONS.

130 OFFICER(S) REPORTING DRUMMOND 124	ID. NO.	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV.	DATE	133 COPIES Pres Inve Ope
134 REPT WRITING TIME		135 COPIES TO		136 CL	

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CR-2 REDWOOD CITY POLICE DEPARTMENT

PG 1 OF 5

126 CODE VIOLATION 288(a) PC	127 TIME 5/24/81	DATE	128 ORIGINAL INVESTIGATING OFFICER DRUMMOND 124	129 ORIGINAL SUPPLEMENT <input checked="" type="checkbox"/>
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WETLAND HAS BEEN A SCOUTMASTER FOR TWENTY YEARS; SMITH HAS BEEN W/ HIM FOR TWO. WETLAND TOLD ME SMITH HAS NO KNOWN GIRLFRIENDS, AND ALTHOUGH HE SOMETIMES APPEARS "WEIRD" HE WAS ALWAYS GOOD W/ THE KIDS. IN FACT, SMITH SPENDS A LOT OF TIME W/ THE KIDS AND A CHARGE OF CHILD MOLESTATION IS NOT SURPRISING. WETLAND ASKED THAT I NOT INTERVIEW SMITH @ HOME BECAUSE IT WOULD BE TOO HARD ON HIS PARENTS.

OFFICER'S NARRATIVE: AFTER TAKING THE ABOVE STATEMENTS, I CALLED SMITH @ HOME. I TOLD HIM I WANTED TO TALK TO HIM AND ASKED IF HE'D PREFER COMING TO THE STATION. HE DID AND CAME RIGHT DOWN. AFTER TALKING TO SMITH, I ARRESTED HIM AND HAD HIM TRANSPORTED TO SIM CJ.

STATEMENT: ROBERT SMITH - I CALLED SMITH @ HOME AND TOLD HIM I WANTED TO TALK TO HIM. HE TOLD ME HE'D NEVER MOLESTED ANY CHILDREN, BUT IF ANYTHING HAPPENED, IT WAS PROBABLY A MISTAKE.

ONCE @ THE STATION, I ADVISED SMITH OF HIS RIGHTS AND HE SAID HE'D TALK TO ME. I TALKED

130 OFFICER(S) REPORTING DRUMMOND 124	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV.	DATE	133 COPIES FOR: <input type="checkbox"/> Press <input type="checkbox"/> Invest <input type="checkbox"/> Oper
	134 REPT WRITING TIME	135 COPIES TO		136 CLEF

CR-2 REDWOOD CITY POLICE DEPARTMENT

PG 7 OF 8

126 CODE VIOLATION 259(C) PC	127 TIME 5/30/86	DATE 5/30/86	128 ORIGINAL INVESTIGATING OFFICER DRUMMOND 124	129 ORIGINAL SUPPLEMENT <input type="checkbox"/>
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THE INTERVIEW, BUT IN SUMMARY SMITH TOLD ME HE DIDN'T KNOW WHY HE DID IT - HE JUST DID IT. SMITH DENIED RUBBING [REDACTED] DENIS, BUT SAID HE TOUCHED IT. LATER IN THE INTERVIEW SMITH SAID HE TOUCHED [REDACTED] TWICE - ABOUT THIRTY MINUTES APART. SMITH AND THE BOYS STARTED A FELLOW FIGHT, THEN STARTED PICKING ONE ANOTHER, WHICH CULMINATED IN THE TOUCHING. SMITH SAID HE NEEDS PSYCHIATRIC HELP AND INSISTED HE DIDN'T KNOW - WHY HE DID IT.

INJURIES: NONE PHYSICAL

130 OFFICER(S) REPORTING DRUMMOND	ID. NO. 124	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV.	DATE	133 COPIES <input type="checkbox"/> Press <input type="checkbox"/> Inves <input type="checkbox"/> Ope'
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CR-2 REDWOOD CITY POLICE DEPARTMENT

PG 8 OF 8

126 CODE VIOLATION 258 (G) PC	127 TIME / DATE 5/24/86	128 ORIGINAL INVESTIGATING OFFICER DUNNONS	129 ORIGINAL SUPPLEMENT 124	130 ORIGINAL SUPPLEMENT 0
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EVIDENCE

- 40 - CASSETTE TAPE OF INTERVIEW
W/ SMITH - LOCKER 3.

86-09213

REPORT NO

130 OFFICER(S) REPORTING	ID NO	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV	DATE	133 Copy Presc Inves Oper
		134 REPT WRITING TIME	135 COPIES TO		136 CLE

CHILD ABUSE INVESTIGATION REPORT

To be Completed by Investigating Child Protective Agency
Pursuant to Penal Code Section 11169
(See Reverse for Exceptions)

FOR DCJ USE ONLY

A251147

R
C
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A
G
Y

A. INVESTIGATING AGENCY	1. INVESTIGATING AGENCY (Enter complete name and check type) <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> WELFARE <input type="checkbox"/> SHERIFF <input type="checkbox"/> PROBATION			2. AGENCY REPORT NO./CASE NAME		
	Redwood City Police Dept.			[REDACTED]		
	3. AGENCY ADDRESS: Street City [REDACTED] Redwood City, Ca. 94063			4. AGENCY TELEPHONE: EXT		
	5. NAME OF INVESTIGATING PARTY: TITLE: Drummond patrolman			6. DATE REPORT COMPLETED: MO DA YR 05 13 08 6		
B. INCIDENT INFORMATION	7. AGENCY CROSS-REPORTED TO:			8. PERSON CROSS-REPORTED TO:		
	10. ACTION TAKEN (check one or more): <input checked="" type="checkbox"/> (1) INVESTIGATION INITIATED <input type="checkbox"/> (2) UNSUBSTANTIATED (insufficient evidence) <input type="checkbox"/> (3) UNFOUNDED (False report, accidental, improbable) <input type="checkbox"/> NO INVESTIGATION <input type="checkbox"/> SUPPLEMENTAL INFORMATION (Attach copy of orig. report)			9. DATE CROSS-REPORTED: MO DA YR		
	11. COMMENTS:					
	1. DATE OF INCIDENT: MO DA YR 05 24 86					
C. INVOLVED PARTIES	2. TIME OF INCIDENT: 2130			3. LOCATION OF INCIDENT: [REDACTED]		
	4. NAME OF PARTY REPORTING INCIDENT: TITLE: #5			5. EMPLOYER:		
	7. TYPE OF ABUSE (check one or more): <input type="checkbox"/> (1) PHYSICAL <input type="checkbox"/> (2) MENTAL <input type="checkbox"/> (3) INCEST (285 P.C.) <input checked="" type="checkbox"/> (4) OTHER SEXUAL ASSAULT <input type="checkbox"/> (5) SEXUAL EXPLOITATION <input type="checkbox"/> (6) SEVERE NEGLECT <input type="checkbox"/> (7) GENERAL NEGLECT <input type="checkbox"/> (8) OTHER			6. TELEPHONE: ()		
	8. IF ABUSE OCCURRED IN OUT-OF-HOME CARE, CHECK TYPE (definitions on reverse): <input type="checkbox"/> (1) FAMILY DAY CARE <input type="checkbox"/> (2) CHILD CARE CENTER <input type="checkbox"/> (3) FOSTER FAMILY HOME <input type="checkbox"/> (4) SMALL FAMILY HOME <input type="checkbox"/> (5) GROUP HOME INSTITUTION—Enter name and address:					
VICTIMS	1. NAME: Last First Middle AKA			MO DA YR		
	[REDACTED]			[REDACTED]		
	ADDRESS: Street City State			INJURIES RESULTED IN: <input type="checkbox"/> (1) MINOR MEDICAL CARE <input type="checkbox"/> (2) HOSPITALIZATION <input type="checkbox"/> (3) DEATH		
	PRESENT LOCATION OF VICTIM: same			NATURE OF INJURIES: none physical		
SUSPECTS	2. NAME: Last First Middle AKA			MO DA YR		
	[REDACTED]			[REDACTED]		
	ADDRESS: Street City State			INJURIES RESULTED IN: <input type="checkbox"/> (1) MINOR MEDICAL CARE <input type="checkbox"/> (2) HOSPITALIZATION <input type="checkbox"/> (3) DEATH		
	PRESENT LOCATION OF VICTIM:			NATURE OF INJURIES:		
OTHER	1. NAME: Last First Middle AKA			MO DA YR		
	Smith, Robert Edward			05 17 61 6		
	ADDRESS: Street City State HGT WGT EYES HAIR SOCIAL SECURITY NUMBER: [REDACTED] Redwood City, Ca. 6-2 220 grn brn [REDACTED]			DRIVER'S LICENSE NO.: [REDACTED]		
	RELATIONSHIP TO VICTIM: <input checked="" type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER			[REDACTED]		
OTHER	2. NAME: Last First Middle AKA			MO DA YR		
	[REDACTED]			[REDACTED]		
	ADDRESS: Street City State HGT WGT EYES HAIR SOCIAL SECURITY NUMBER:			DRIVER'S LICENSE NO.:		
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER			[REDACTED]		
OTHER	1. NAME: Last First Middle AKA			MO DA YR		
	[REDACTED]			[REDACTED]		
	ADDRESS: Street City State			INJURIES RESULTED IN: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING		
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER			DRIVER'S LICENSE NO.:		
OTHER	2. NAME: Last First Middle AKA			MO DA YR		
	[REDACTED]			[REDACTED]		
	ADDRESS: Street City State			INJURIES RESULTED IN: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING		
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER			DRIVER'S LICENSE NO.:		

RACE CODES: W—White, B—Black, H—Hispanic, A—Asian, P—Pacific Islander, I—American Indian/Alaskan Native, O—Other, X—Unknown

CHECK HERE IF ADDITIONAL SHEET(S) IS ATTACHED

SEE REVERSE FOR DETAILED INSTRUCTIONS

AND DISTRIBUTION

CONF013273

126 CODE VIOLATION	127 TIME	DATE	128 ORIGINAL INVESTIGATING OFFICER	129 ORIGINAL SUPPLEMENT
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SUPPLEMENT - DETECTIVE MATUSZAK

On July 7, 1986 I contacted witnesses [REDACTED] and [REDACTED] and interviewed them regarding this incident. I also spoke to [REDACTED], the mother of [REDACTED], about suspect Smith. The boys, who were interviewed separately, provided me with the following statement.

STATEMENT: [REDACTED]

[REDACTED], in essence, told me that he, [REDACTED], and victim [REDACTED] were inside Smith's bedroom when the crime occurred. The three boys, age 15, 14 and 12 respectively, had intended to sleep over at assistant scoutmaster Robert Smith's house (where Smith lives with his parents) and leave from his residence in the morning to go on a scouting trip.

[REDACTED] said he and [REDACTED] were laying on the floor in their sleeping bags while victim [REDACTED] and suspect Smith were on top of Smith's bed. [REDACTED] could not recall what any of them were wearing or if they were laying inside their sleeping bags. After watching television for a while, suspect Smith turned it off. [REDACTED] could not recall if the lights were off or on, but a short time later he noticed some movement on Smith's bed and saw Smith on top of victim [REDACTED]. [REDACTED], again, was unable to recall whether the suspect or the victim were inside the sleeping bag, but he recalled the suspect reaching towards the victim's genital area. [REDACTED] recalled the victim saying something similar to, "Come on, stop it fag", but the suspect continued to grab at him. [REDACTED] assumed that victim [REDACTED] concluded that the suspect was kidding around, but when he would not stop, [REDACTED] saw that he became genuinely concerned and recalled him saying "stop it" to the suspect. When [REDACTED] looked up again he noticed that the victim was crying. [REDACTED] did not see or hear the suspect strike the victim and concluded that he was not crying as a result of a physical injury.

[REDACTED] said the following day when the group went on a scouting trip, he recalled the suspect threatening to make the victim pay for alleged damage done to his swimming pool by the victim throwing rubber bands in it on a previous occasion. [REDACTED] also recalled the suspect paying an unusual amount of attention to the victim, buying him milkshakes, etc., on the trip.

[REDACTED] said the suspect has never touched him inappropriately. [REDACTED] had never spent the night at the suspect's residence before.

130 OFFICER(S) REPORTING	ID NO	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV	DATE	133 Comm. Press Inves. Oper.
DETECTIVE MATUSZAK	174	134 REPT WRITING TIME	135 COPIES TO		136 CLEF

126 CODE / OLATION	127 TIME	DATE	128 ORIGINAL INVESTIGATING OFFICER	129 ORIGINAL SUPPLEMENT
				<input type="checkbox"/>

SUPPLEMENT - DETECTIVE MATUSZAK (Continued)

After speaking to [REDACTED], I interviewed witness [REDACTED] who, in essence, explained the sleeping arrangements at the suspect's residence in the same way that [REDACTED] had described. [REDACTED] however, recalled that the boy's were wearing cut-offs or gym shorts because they had earlier intended to go swimming. [REDACTED] was also unable to recall if the boys were laying inside or on top of their sleeping bags. [REDACTED], in essence, said he was sleeping when he heard some noise and looked up to see the suspect roughhousing with the victim. [REDACTED] said from his position in the room he did not see exactly what the suspect and victim were doing, but he did recall the victim saying something similar to "come on, Bob, quit doing that, don't do that." [REDACTED] said he later looked up to see the victim curled up in a ball as if he wanted to be left alone. [REDACTED] also went on the scouting trip the next day, but did not recall any interchange between the victim or the suspect.

STATEMENT: [REDACTED]

[REDACTED] is an adult member of the scout troupe that the boys and the suspect belong to. She described suspect Smith as "unusual" or "weird". [REDACTED] went on to say that she believes suspect Smith has many problems. [REDACTED] told me that Smith would call her on a daily basis to discuss family and other problems. She further told me that Smith would often speak of all the girlfriends he had, but [REDACTED] knew that Smith, in fact, had no girlfriends. [REDACTED] also described suspect Smith as very immature. She recalled an incident approximately one year ago when suspect Smith on a scouting trip with Boy Scouts was pushing some of the scouts in a swimming pool. When the scouts got together and pushed Smith in the pool, she recalled him sobbing like a child and wanting to go home. (Smith is 21 years old.)

[REDACTED] also recalled the suspect telephoning her from the County jail on the day he was arrested. [REDACTED] said suspect Smith told her he had been arrested and he would have to give up his job as assistant scoutmaster. Smith did not deny the charge nor explain his involvement with the case to [REDACTED].

130 OFFICER(S) REPORTING	ID NO	131 REVIEWING SUPERVISOR	132 CASE SCREENING SUPV	DATE	133 Comm. <input type="checkbox"/> Press <input type="checkbox"/> Invest <input type="checkbox"/> Oper
DETECTIVE MATUSZAK	174	134 REPT WRITING TIME	135 COPIES TO		136 CLEF

SAN MATEO COUNTY MUNICIPAL COURT

SOUTHERN BRANCH

(ENDORSED)

FILED

AUG 11 1986

MARVIN CHURCH, County Clerk
VIGILIO S. CASTRO

By _____
DEPUTY CLERK

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

ROBERT EDWARD SMITH,

Defendant.

NO. 42 F240

Viol Sect. 288a w/1203.66(a)(9)
and 136.1(a) PC

PRELIMINARY HEARING

Before: HON. GREGORY S. JENSEN, Judge

Department VII

Wednesday, July 30, 1986

A P P _ A R A N C E S:

For the Plaintiff:

MARTA DIAZ,
Deputy District Attorney

For the Defendant:

DAVID PACKARD, Esq.

I N D E X

WITNESS

DIRECT

CROSS

For the Plaintiff:

3

13

JERROLD B. REDFORD, C.S.R.-1387
MUNICIPAL COURT REPORTER
REDWOOD CITY, CALIFORNIA

CONF013277

PROCEEDINGS

Redwood City, California

Wednesday, July 30, 1986

2:30 p.m.

THE COURT: Robert Smith, line 6, it says here.

MRS. DIAZ: Marta Diaz for the People, Your Honor. We are ready in that matter.

MR. PACKARD: David Packard for the defendant; he is present.

THE COURT: OK. Do you wish the defendant seated with you at the counsel table?

MR. PACKARD: Yes.

THE COURT: Mrs. Diaz, who do you wish to call as your first witness for the People in this matter?

MRS. DIAZ: The People are going to call [REDACTED], Your Honor, right here.

THE COURT: OK.

MRS. DIAZ: And Detective Matuszak is the investigating officer.

THE COURT: [REDACTED] will you remain standing and raise your right hand and the clerk will swear you in.

[REDACTED],
called as a witness on behalf of the People, being first duly sworn, testified as follows:

THE CLERK: Would you please state your name?

THE WITNESS: [REDACTED]

THE CLERK: Will you spell your first and last name?

1 THE WITNESS: [REDACTED]

2 THE CLERK: Thank you; please be seated.

3 MR. PACKARD: Would ask at this time that the -- Court
4 exclude any witnesses other than [REDACTED] and the investigating
5 officer, if there are any other witnesses.

6 THE COURT: Let me ask if the People are intending to
7 call any other witnesses in this proceeding.

8 MRS. DIAZ: No, we do not, Your Honor.

9 THE COURT: OK. Mr. Packard, I take it you do not have
10 any belief there are potential witnesses to be called here
11 that I do not know of?

12 MR. PACKARD: No.

13 THE COURT: We will grant the order of exclusion, but
14 it appears there is nobody at this time to be in fact included,
15 so you may proceed with your examination of [REDACTED] here.

16 MRS. DIAZ: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 MRS. DIAZ: Q [REDACTED] could you tell us what your
19 birth date is?

20 A Birth date?

21 Q Yes.

22 A [REDACTED]

23 Q So you are 13 years old?

24 A (Nodding in the affirmative.)

25 Q OK.

26 MR. PACKARD: He is 12.

1 MRS. DIAZ: Q Twelve; I am not very good at math.
2 You are going to have to help me out, [REDACTED].

3 I am going to ask you to take a look at the person I am
4 standing behind, and ask you if you recognize this person?

5 A Yes, I do.

6 MRS. DIAZ: May the record reflect I am standing behind
7 the defendant?

8 THE COURT: The record will so reflect.

9 MRS. DIAZ: Q What's the person's name that I was
10 just standing behind?

11 A Robert Edward Smith.

12 Q And how did you meet Mr. Smith?

13 A Scouting.

14 Q What did he do in scouting?

15 A He was assistant scoutmaster.

16 Q And do you know the number of your troop, your scout
17 troop.

18 A I think it is 199.

19 Q OK. Now, how long have you known Mr. Smith?

20 A I think about a month.

21 Q OK. Now, I would like you to think back to Memorial
22 Day weekend, which was May 24th, 1986, and tell us if you
23 spent some time with Mr. Smith that weekend?

24 A Yes, I did.

25 Q Who else was there besides you and Mr. Smith?

26 A A kid named [REDACTED] and [REDACTED]

1 Q [REDACTED]
2 Are they in the troop?
3 A Yes, they are.
4 Q And where was that where you spent some time with Mr.
5 Smith and [REDACTED]?
6 A That was at the cemetery in San Francisco.
7 Q Uh-huh. What were you guys doing at the cemetery?
8 A Planting flags on graves.
9 Q And did you go some place after the cemetery?
10 A Yeah, we -- I think -- yeah, we went to his -- went to
11 the cemetery over -- where his aunt and his uncle were buried.
12 Q And you remember where that cemetery was?
13 A (Nodding in the negative.)
14 Q Was it far from the other?
15 A Not really.
16 Q At some point did you go to Mr. Smith's house?
17 A Yeah, late that night.
18 Q OK. And where was his place where he lives?
19 A [REDACTED] -- off of [REDACTED] on Chatham.
20 Q And that is here in San Mateo County?
21 A Redwood City.
22 Q OK. Now, did [REDACTED] ^{to} go/his house with you?
23 A Yes, they did.
24 Q Was anybody else there besides the four of you?
25 A No.
26 Q Were you guys going to spend the night at Mr. Smith's

1 house?

2 A Yes, we were.

3 Q And why was that? Were you going some place later?

4 A Because the next morning we were going on a river trip,
5 down the American River.

6 Q With the rest of the Boy Scout Troop?

7 A Yes, we were.

8 Q Do you know why only [REDACTED] and you went to Mr.
9 Smith's? Were the other boys invited by Mr. Smith to go there?

10 A No, they weren't.

11 Q Do you know -- did you know where the other boys were
12 going?

13 A Yes, they were.

14 Q Where was that?

15 A Don Wetland's house.

16 Q And who is Don Wetland?

17 A Scoutmaster.

18 THE REPORTER: Can I have the spelling of that?

19 MRS. DIAZ: Yes, is that W-e-t-l-a-n-d?

20 THE WITNESS: I don't know how it is spelled.

21 THE COURT: That is your belief, Mrs. Diaz?

22 MRS. DIAZ: That is my belief, from the police report,
23 yes.

24 Q Now, did you tell the scoutmaster, Mr. Wetland,
25 you were going to spend the night with [REDACTED] at Mr.
26 Smith's house?

1 A No, we didn't.

2 Q Did anybody say those words while you were around, we
3 are going to Mr. Smith's house?

4 A (Nodding in the negative.)

5 Q Was that no?

6 You have to say your answer, because he has to write
7 down something besides that --

8 A No.

9 Q OK. Where did you guys sleep in Mr. Smith's house; do
10 you remember?

11 A Two of us slept on the floor, and one slept on the bed
12 in a sleeping bag.

13 Q Who were the two on the floor?

14 A [REDACTED]

15 Q And where were you?

16 A I was in the sleeping bag on the bed.

17 Q And was anybody else in the bed or on the bed with you?

18 A Robert E. Smith (indicating).

19 Q Now, at some time that night, did something strange
20 happen to you?

21 A Yes.

22 Q Could you tell us what it was?

23 A I was molested; I was touched in a way I didn't want to
24 be touched.

25 Q OK. Who touched you?

26 A Robert.

1 Q Robert Smith?
2 A (Nodding in the affirmative.)
3 Q What part of his body did he touch you with?
4 A His hand.
5 Q What part of your body did he touch?
6 A Penis.
7 Q OK. Did he touch you on top of your clothes or under
8 your clothes?
9 A Both.
10 Q OK. What did he — How did he touch you first, on top
11 of your clothes or under your clothes?
12 A On top.
13 Q And what did you do when he did that?
14 A I said stop.
15 Q And did he stop right away?
16 A No, he didn't.
17 Q What did he do with his hand after you said stop?
18 A Kept touching.
19 Q And at some point did his hand go under your clothes?
20 A No, first of all, he took his hand off, and then he
21 started again.
22 Q And when he started it again, is that when his hand went
23 under your clothes?
24 A Yes, it is.
25 Q And what did you say then?
26 A I said stop, again.

1 Q Uh-huh.

2 A And he still didn't do it.

3 Q And how long was it before he stopped?

4 A I think it was about ten minutes, but -- when -- after

5 he stopped, I said to the guys on the floor, what he was

6 doing, but he lied, he said he was only touching the stomach.

7 Q You told [REDACTED]?

8 A Uh-huh.

9 Q Do you remember exactly what you said to [REDACTED]

10 A I won't pronounce it here; I told them he was touching

11 my --

12 Q You used a different word than penis?

13 A Yes, I did.

14 Q Did those guys help you?

15 A No, because -- Robert E. Smith said that he was

16 touching my stomach.

17 Q OK. When he was touching your penis, was he moving his

18 hand around?

19 A Yes, he was.

20 Q What was he doing with his hand?

21 A Pinching and grabbing.

22 Q OK. Did it hurt?

23 A Yes, it did.

24 Q Were you struggling -- were you moving your body, trying

25 to get off of the bed?

26 A I tried to move around and make him stop.

1 Q Uh-huh. Was he holding you down in any way, do you
2 remember?

3 A No, he wasn't.

4 Q Were you inside of your sleeping bag the whole time?

5 A Yes, I was.

6 Q And was it zipped up?

7 A It was zipped up halfway.

8 Q Now, the next day, did you go on the river trip?

9 A Yes, we did.

10 Q And did you say anything to anybody the next day when
11 you were on the river trip?

12 A Well, after the river trip was over, we went to --
13 Burger King or McDonald's -- I can't remember what it was --
14 and then some of the people found out.

15 Q Is that what you told them?

16 A Yes.

17 Q OK. Now, some time after the river trip, did Robert E.
18 Smith tell you something about not telling people what had
19 happened?

20 A Well, it was that day, when we went to Raging Waters.

21 Q What is Raging Waters?

22 A A water slide.

23 Q Do you know where those are?

24 A San Jose.

25 Q OK. What happened?

26 A He called up that night when we were eating dinner, and

1 said -- and he was talking to me, and he said, "I would like
2 you to tell everybody that was a lie -- that was a joke" -- I
3 can't remember that well -- that's all he said, and I said
4 good-bye, and I hung up.

5 Q And did he contact you again after that?

6 A Yes, he did. He said, "I would like to come over and
7 see [REDACTED] about scouting."

8 Q Who did he tell that to?

9 A I don't know.

10 MR. PACKARD: Objection, Your Honor; calls for hearsay.

11 THE COURT: It sounds like it is an answer calling for
12 hearsay if he told that to some other person, so I will
13 sustain the objection.

14 MRS. DIAZ: Q At some point, did he come over to
15 your house and talk to you?

16 A Yes, he did; he came over --

17 Q Do you live in Redwood City?

18 A Yes, we do.

19 Q And what did he say when he came over and talked to you?

20 A He brought in a paper, a bill for his pool, saying that
21 it cost \$1,250, and he will make me pay this bill if I don't
22 tell everybody that it was a joke.

23 Q And by joke, did you understand that to mean that --
24 about the touching?

25 A Yeah.

26 Q Did he tell you why you had to pay \$1,250?

1 A Oh, it was my fault, though.

2 Q How was that your fault?

3 A Because that night when we spent the night at his house,
4 I had some rubberbands, and I was shooting them up in the air,
5 and they went in his pool.

6 Q Did they just land in the water?

7 A Yes, and he said they went all in the pipes and every-
8 thing, and the blower.

9 Q Now, were you pretty afraid that you were going to get
10 in big trouble if you had to pay \$1,250 to fix his swimming
11 pool?

12 A Yes.

13 Q And what did you do?

14 A Well, after a while, I didn't do nothing, and then the
15 other night, about a Wednesday, he called up that late night
16 about 9 or 10 o'clock, and he says -- he asked for my mom, or
17 something -- if I had a problem with any of the --if I had a
18 problem with someone --

19 MR. PACKARD: Your Honor, I object. Again, I think

20 [REDACTED] is talking about a conversation between his mother and --

21 THE WITNESS: I was there.

22 THE COURT: Let me ask you, did you actually hear this
23 conversation that you are telling us about now, or did some-
24 body tell you what he said?

25 THE WITNESS: I heard it.

26 THE COURT: You heard it.

1 OK, then you can tell me what it was.

2 MRS. DIAZ: Q What else did he say?

3 A He was talking about -- asking my mom and me about me,
4 if I had a problem of some kind, and then he said that to my
5 mom -- you know -- I heard him say -- he said to my mom that
6 did [REDACTED] have any problems with -- the people on the trip,
7 and I said -- and she asked me, and I said no.

8 Q OK. So, --

9 A So, then, he -- then after we hung up the phone, I
10 decided to tell my mom.

11 Q OK. What made you decide to tell your mom? Do you
12 remember?

13 A It was for her to know.

14 Q Had you been worrying and worrying about this?

15 A Yes, I was.

16 Q How were you feeling when you were worrying about it;
17 did you feel -- sad or sick?

18 A I didn't feel sick; I just didn't -- just --

19 Q Just weren't your same old self, right?

20 A Yes.

21 MRS. DIAZ: OK; I have no further questions, Your Honor.

22 THE COURT: Thank you; Mr. Packard.

23 CROSS-EXAMINATION

24 MR. PACKARD: Q [REDACTED] you talked about a -- the
25 last phone conversation when you told your mom. Were you
26 listening on the phone in your own room, or a separate phone

1 when your mom was talking to --

A Same room.

3 Q -- to Mr. Smith?

4 Was it the same room?

5 A Yes.

6 Q Were there two phones in the same room?

7 A No, there's only one phone.

8 Q Did you have your ear up to the phone while your
9 mother --

10 A I was next to my mom, and I heard the whole conversation.

11 Q Could you hear what was said by the person who called
12 your mom, as well as what your mom said?

13 A Yes, I could.

14 Q Did your mom hold the phone over to you so you could

15 hear what was being said by Mr. Smith?

16 A No, I was sitting next to her where the phone was, and I
17 heard everything.

18 Q And that was, you said, on a Wednesday night after the
19 trip, after that weekend?

20 A Uh-huh (affirmative).

21 Q Is that the first time, [REDACTED] you had told anybody Mr.
22 Smith had touched your penis on this night you stayed over at
23 his house?

24 A I didn't tell my mom before; I didn't tell anybody
25 except those other two kids, [REDACTED] they were the
26 first to know.

1 Q And did either [REDACTED] talk to you about what had
2 happened the same night that you were sleeping on the bed?
3 A No, the next day, on the way back from the river trip,
4 [REDACTED] was talking to me, that I should tell my mother, and I
5 told him I would, and that is when everything came up.
6 Q Did --
7 A After the trip, I waited a couple of days, and then
8 when Robert E. Smith called again, he -- he was talking about
9 something else, telling people the joke -- that it was a joke,
10 and that Wednesday I finally told my mom.
11 Q When you went on the trip, had you talked to [REDACTED] about
12 what had happened in the bedroom that night, the night before?
13 A No, I only talked to [REDACTED].
14 Q Had [REDACTED] woken up when whatever happened on the bed
15 happened?
16 A Well, [REDACTED] woke up.
17 Q Did you talk to [REDACTED] after he woke up?
18 A No, I didn't.
19 Q Did you talk to [REDACTED] after you woke up?
20 A No, I didn't.
21 Q Do you know whether they went back to sleep right away
22 after they woke up?
23 A No.
24 Q So, you didn't talk to them or look at them to see
25 whether they were staying awake or not?
26 A All I said is that -- I said stop, he is grabbing my --

1 you know -- penis, and that's it, and then -- they woke up.

2 Q Did you use the word penis when you were --

3 A No, I didn't. I used a vulgar word -- sorry about that.

4 Q Did anybody ask you to put your sleeping bag on the bed

5 when you slept overnight at Robert's house?

6 A Well, I was over there -- when we got to Robert's house,

7 two kids slept sideways, like this, and then there was another

8 spot on the floor next to the door, and I said I will just

9 lay my sleeping bag there, but Robert said, "I get up in the

10 middle of the night, and I might step on you; you might have

11 to sleep on my bed," so that is how I ended up on there.

12 Q It wasn't -- wasn't your idea to put your sleeping bag

13 on the bed?

14 A No, it wasn't.

15 Q Do [REDACTED] -- do they live in Redwood City, too?

16 A I think so; I don't know -- wait -- [REDACTED] -- yeah, they

17 both do.

18 Q Do they live near where you live?

19 A Not too far away; about -- pretty close.

20 Q You say you first met Robert a month ago; is that when

21 you first joined this Troop 199?

22 A When I first joined the troop, I met Robert.

23 Q Had you been in scouting before you jointed Troop 199?

24 A Yes.

25 Q What other troop had you been in before that?

26 A Troop -- I can't remember the -- Troop 127.

1 Q That was a Redwood City troop, also?

2 A No, that was Calabasas troop.

3 Q You moved to Redwood City, then, right?

4 A Yes, I did.

5 Q When you were sleeping in your sleeping bag, did you
6 have your jeans on?

7 A I had my bathing suit on, a pair of shorts.

8 Q You had a pair of shorts on?

9 A Bathing suit.

10 Q Did you have anything over your bathing suit, like pants?

11 A (Nodding in the negative.)

12 THE COURT: Again, don't just shake your head; answer
13 with a word.

14 THE WITNESS: No -- no.

15 MR. PACKARD: Q Did you have any pants on over
16 your swimming suit when you were in the sleeping bag?

17 A No.

18 Q Did you have any other clothing on besides your swimming
19 suit?

20 A Shirt.

21 Q The -- Marta asked you some questions about whether
22 you were touched in your -- by Robert with his hand on your
23 penis, and you said he touched you over your sleeping trunks
24 and under your sleeping trunks?

25 A Both.

26 Q The first time was touching on your sleeping trunks?

1 A Yeah, he went -- what he did, beginning, he went down my
2 sleeping bag, and touched over them, and then -- after he
3 stopped that part, he went in, and that was it, then after
4 that, he stopped.

5 Q OK. When he touched over your sleeping -- or your
6 swimming trunks, was he moving his hand, at all?

7 A Yes, he was.

8 Q Was he pinching or moving it up and down?

9 A Pinching and moving around, pinching all different parts.

10 Q And when he was pinching, you said you yelled to stop,
11 and one of the boys woke up?

12 A Yes, I did.

13 Q Did [REDACTED] say anything when he woke up?

14 A No, they didn't (sic).

15 Q When Robert put his hand under your swimming trunks and
16 touched your penis, was he -- holding his hand still or
17 moving his hand?

18 A Moving his hand.

19 Q And was it the same way he did it the first time, or
20 different this time?

21 A Different.

22 Q And can you describe how the movement with his hand
23 occurred this time?

24 A No, I can't.

25 Q You think -- but, you are sure it was different than the
26 way he moved his hand when he had his hand on top of your

1 trunks?

2 A Yes, it was.

3 Q When he started touching you under your swimming trunks,
4 did you yell stop, again?

5 A Yes, I did.

6 Q And did [REDACTED] wake up again, or was [REDACTED] still awake?

7 A They were just laying there; they didn't wake up. They
8 didn't put their head up or nothing like that.

9 Q So when you yelled stop, [REDACTED] didn't wake up at that
10 point, when he had his hand under your trunks, am I correct
11 when I say that?

12 A -- Yes.

13 Q And did that stop after he had reached his hand under
14 your trunks?

15 A Uh-huh (affirmative).

16 Q You know how long ten minutes is?

17 A Yes, I do.

18 Q OK. Now, from the time that he first touched you on
19 top of your swimming trunks, until he reached under your
20 swimming trunks and then stopped, is that period of time that
21 you are talking about ten minutes, or was he touching you for
22 ten minutes?

23 A He was touching me for ten minutes.

24 Q After -- from the time he first started on top of your
25 swimming trunks?

26 A What he did was, he did -- touched the top of my trunks

1 first, for a while, and then he went down to the bottom, and
2 it was around ten minutes that he was doing it.

3 Q Ten minutes under your trunks; is that what you are
4 saying?

5 A Ten minutes, both.

6 Q Counting both times, both on top and underneath?

7 A Yes.

8 Q Do you know how much of that time he had his hand under
9 your swimming trunks?

10 A No, I don't.

11 Q Did he have -- most of the time, did he have his hand
12 outside your swimming trunks, or under your swimming trunks?

13 A Mostly on the inside.

14 Q Did you -- have you been talking to a counselor about
15 what happened with Robert -- what he did to you?

16 A Yes, I would --

17 MRS. DIAZ: Objection, irrelevant.

18 MR. PACKARD: I can ask --

19 THE COURT: I think that question, in and of itself, and
20 the answer is -- not objectionable. I will permit that answer.

21 MR. PACKARD: Q Did you say yes, [REDACTED]?

22 A Yes.

23 Q When I asked you about counseling?

24 Are you still seeing a counselor?

25 A Yes.

26 Q Is there a -- name of a person that you know who is

giving you counseling right now?

A Will Weeks.

MR. PACKARD: I have no further questions.

THE COURT: Any redirect?

MRS. DIAZ: No redirect, Your Honor.

THE COURT: All right; thank you, [REDACTED]; you can step

down.

(Witness excused.)

MRS. DIAZ: The People rest.

THE COURT: Any witnesses for the defense?

MR. PACKARD: No, Your Honor.

THE COURT: The matter submitted, or is there argument

from either party?

MRS. DIAZ: Submitted by the People.

MR. PACKARD: It will be submitted, Your Honor.

THE COURT: It appears to the Court each of the two offenses set forth in the complaint, violations of Section 288(a) of the Penal Code, and Section 136.1(a) of the Penal Code, have been shown by the evidence to have been committed, and it does appear to the Court that the defendant named in the complaint, Robert Edward Smith, is guilty of the commission of each of those two offenses.

He will be ordered held to answer, and to stand trial on each of those charges.

Further, it appears that the special allegation appended to Count I, as shown by the evidence, seems to be

1 true, and also is a matter which will be bound over to the
2 Superior Court.

3 Holding the defendant to answer, it would appear that --
4 what's the status of things here -- he is on his own
5 recognizance, I take it?

6 MRS. DIAZ: Yes, Your Honor.

7 MR. PACKARD: I understood he had posted bail, but --

8 THE COURT: Have you posted bail in this matter, Mr.
9 Smith?

10 THE DEFENDANT: My father posted bail, Your Honor.

11 THE COURT: Any reason he should not remain on the bail
12 that has been set, Mrs. Diaz?

13 MRS. DIAZ: What is the bail, Your Honor?

14 THE COURT: I don't know.

15 MR. PACKARD: \$5,000 or \$10,000.

16 MRS. DIAZ: I think that is adequate.

17 THE COURT: Defendant will remain free on the bail
18 posted in this matter, and I am looking at the 14th of August
19 as a date for first appearance in the Superior Court; is that
20 agreeable?

21 MR. PACKARD: Excuse me -- I think that is -- could I
22 ask the week of the -- would the Court set August 22nd? I
23 know that is somewhat long.

24 THE COURT: I don't think that is any big problem.

25 Mr. Smith, the date your attorney is suggesting for your
26 first appearance is a little more than a week beyond the time

1 within which you are entitled to make your first appearance
2 in the Superior Court. Will you waive your right to an early
3 appearance date and agree I may set the matter on the date
4 your attorney has requested?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Then you will be directed to appear on
7 August 22nd, 9 o'clock, in the Superior Court for this county
8 in the Hall of Justice and Records in this building before the
9 Presiding Judge of the Criminal Department of the Superior
10 Court.

11 You will remain free on the bail you have posted.

12 MR. PACKARD: Thank you, Your Honor.

13 MRS. DIAZ: Thank you, very much, Your Honor.

14 THE COURT: Thank you.

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1 STATE OF CALIFORNIA]
2 COUNTY OF SAN MATEO]

ss.

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4
5 I, JERROLD B. REDFORD, do hereby certify:

6 That I am an Official CERTified Shorthand Reporter of
7 the Municipal Court of the County of San Mateo, Southern
8 Branch;

9 That in pursuance of my duties as such, I attended the
10 preliminary hearing in the foregoing matter and reported all
11 of the proceedings and testimony taken;

12 That the foregoing is a full, ~~true and correct~~
13 transcript of my shorthand notes so taken.

14 Dated: August , 1986, Redwood City, California

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17 JERROLD B. REDFORD, C.S.R. - 1387
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JERROLD B. REDFORD, C.S.R.-1387
MUNICIPAL COURT REPORTER
REDWOOD CITY, CALIFORNIA

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